

## **FISCAL NOTE**

### **HB 2110**

March 18, 2007

**SUMMARY OF BILL:** Requires prosecution for aggravated rape of a child, rape of a child, aggravated rape, rape, aggravated sexual battery and sexual battery offenses committed on or after July 1, 2007, to be commenced one year after the date on which the identity of the accused is established through deoxyribonucleic acid (DNA) evidence.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$2,243,500 / Incarceration\***

##### Assumptions:

- The Department of Correction (DOC) estimates that this bill will result in a five percent increase in admissions for the related felony offenses. According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16.
- In FY06, there were 68 admissions to DOC for rape of a child. An additional five percent (3) will be convicted of a Class A felony of rape of a child as a result of this bill and will serve 100% of a 20-year sentence. The maximum cost per inmate in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is \$219,733.40 (\$60.16 x 3652.50 days). The total additional cost in the tenth year for three offenders is \$659,203.20 (\$219,733.40 x 3).
- In FY06, there were 21 admissions to DOC for aggravated rape. An additional five percent (1) will be convicted of a Class A felony of aggravated rape at 85% and will serve 17 years. The maximum cost per inmate in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is \$219,733.40 (\$60.16 x 3652.50 days).
- In FY06, there were 62 admissions to DOC for rape. An additional five percent (3) will be convicted of a Class B felony of rape as a result of this bill and will serve 6.8 years (2483.70 days). The cost per inmate at 6.8 years is \$149,419.39 (\$60.16 x 2483.70 days). The total additional operating cost for three offenders is \$448,258.17 (\$149,419.39 x 3).
- In FY06, there were 91 admissions to DOC for aggravated sexual battery. An additional five percent (5) will be convicted of a Class B felony of aggravated sexual battery as a result of this bill and will serve 6.8 years (2483.70 days). According to the U.S. Census Bureau, the

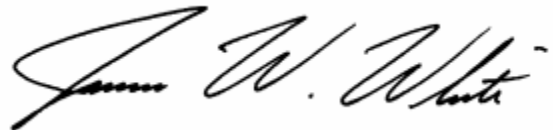
population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth will result in one additional offender in the tenth year. The cost per inmate at 6.8 years is \$149,419.39 (\$60.16 x 2483.70 days). The total additional operating cost for six offenders is \$896,516.34 (\$149,419.39 x 6).

- In FY06, there were 61 admissions to DOC for sexual battery. An additional five percent (3) will be convicted of a Class E felony for sexual battery as a result of this bill and will serve 0.3 years (109.58 days). The cost per inmate for 0.3 years is \$6,592.33 (\$60.16 x 109.58 days). The total additional operating cost for three offenders is \$19,776.99 (\$6,592.33 x 3).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director